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In re Application of	: DECISION ON
GRANCHAROV et al	:
Application No.: 10/540,741	:
PCT No.: PCT/SE2003/001657	:
Int. Filing Date: 24 October 2003	: PETITION UNDER
Priority Date: N/A	:
Attorney's Docket No.: 915-008.037	:
For: Noise-Dependent Postfiltering	: 37 CFR 1.10 (c)

This decision is in response to applicants' "REQUEST FOR CORRECTED FILING RECEIPT," filed 11 June 2008, which is being treated as a petition under 37 CFR 1.10(c) requesting that the filing date of 24 June 2005 to 23 June 2005 for the national stage submission for the above identified application. No fee is required for this petition.

BACKGROUND

On 24 June 2005, petitioner purportedly filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1), and an executed declaration.

On 24 June 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" which informed applicants that the 371(c)(1), (c)(2) and (c)(4) and that the date of completion of all 35 U.S.C. 371 is 24 June 2006.

On 03 March 2008, applicants filed the present petition stating that the application was in fact deposited with the USPS on June 23, 2005 as evidenced by the "Express Mail" label indicating a date of 23 June 2005.

DISCUSSION

37 CFR 1.10(c) provides:

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and
- (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

The petition was filed promptly. 37 CFR 1.10(c)(1). A review of the application papers reveals that "Express Mail" Label No. EV 562516889 US was placed on the "National stage Express Mail Certificate" prior to the original mailing by "Express Mail." CFR 1.10(c)(2). Finally, the copy of the customer receipt of "Express Mail" Label No. 562516889 US filed with the present petition identifies the day of deposit in the "Date In" box, as "23 June 2005." 37 CFR 1.10(c)(3). Accordingly, the requirements under 37 CFR 1.10(c) have been satisfied.

CONCLUSION

For reasons above, the petition under 37 CFR 1.10(c) is GRANTED.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed on 14 February 2006 is VACATED with the mailing of this decision.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371 including the preparation and mailing of a New Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is 23 June 2005.


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